

# EXHIBIT 1

Andrew W. Madden

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IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

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IN RE: Methyl Tertiary : Master File  
Butyl Ether ("MTBE") : No. 1:00-1898  
Products Liability Litigation : MDL 1358 (SAS)  
: M21-88  
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- - -  
August 22, 2007  
- - -

Transcript of the videotaped deposition of ANDREW W. MADDEN, held on the above date, at the law offices of McDermott, Will & Emery, L.L.P., 600 13th Street, N.W., Washington, D.C., taken by and before Constance E. Perks, CCR, CRR, CLR, License #XI01429, commencing at approximately 8:50 a.m.

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1       that period and the decision to use it,  
2       I'm really not -- you know, I mean,  
3       you've had other people, I think, to give  
4       much better and more detailed knowledge  
5       of that timeline than I can.

6           Q.     Well, you saw all the  
7       documents earlier from Miss Mickelson --

8           A.     Certainly.

9           Q.     -- where she was expressing  
10      concerns about MTBE's potential to  
11      contaminate groundwater in 1984 and '85;  
12      was she not?

13       A.     Yes.

14       Q.     If you would turn the page,  
15      sir.

16       A.     Certainly.

17       Q.     I'm sorry. It would be the  
18      third page of that attachment.

19       A.     Okay.

20       Q.     I'm sorry. The second page  
21      of the attachment, third page of the  
22      document, and there's a section at the  
23      top that says "MTBE Litigation --"

24       A.     Uh-huh.

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1                   Q. -- and it lists a case  
2 involving Communities For A Better  
3 Environment, South Lake Tahoe case, some  
4 lawsuits in New Jersey, and a class  
5 action lawsuit in New York.

6                   Do you see that?

7                   A. I do.

8                   Q. What role did litigation  
9 over MTBE contamination play in Exxon's  
10 decision to remove MTBE from its  
11 gasoline?

12                  MR. BONGIORNO: Objection.

13                  And to the extent that the  
14 question calls for disclosure of  
15 communications between Mr. Madden  
16 and legal counsel, I advise him,  
17 instruct him, not to answer. To  
18 the extent that he can answer,  
19 otherwise, please do.

20                  THE WITNESS: I think purely  
21 with regard to we talked before  
22 about the kind of, I say, the  
23 customer, customer concern and the  
24 kind of concerns out there around

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1           the use of MTBE in reformulated  
2           gasoline, in so much as litigation  
3           and high-publicity litigation was  
4           feeding into that concern, it had  
5           an impact in that respect.

6       BY MR. JOHNSTON:

7           Q.     Outside of, I guess from a  
8       public relations standpoint, did  
9       litigation play any role in Exxon's  
10      decision to eliminate the use of MTBE in  
11      gasoline?

12          A.     I think anything else, I'd  
13      be into the areas that I've been  
14      instructed not to --

15          Q.     Well, I'm asking -- clearly,  
16      I'm not asking for any communications  
17      that you've had with counsel. But as  
18      someone who served on or was in charge of  
19      MTBE issues --

20          A.     Yes.

21          Q.     -- what can you tell me  
22      about the role litigation played in  
23      Exxon's decision to eliminate MTBE?

24          A.     I mean, I think, as I say,

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1 the role that litigation -- our decision  
2 was, once the oxygenate mandate went  
3 away, we could take it out. I think that  
4 the role that the mix of groundwater  
5 concerns and fueled by the litigation in  
6 terms of creating that public concern and  
7 political concern that's out there, like  
8 I mentioned a second ago, that is really  
9 where litigation -- it's a big activity  
10 for us -- that's where the litigation was  
11 feeding into our decision for removing  
12 MTBE.

13 Q. Did concerns over liability  
14 from this litigation or costs of  
15 litigation play any role in Exxon's  
16 decision to eliminate MTBE from gasoline?

17 MR. BONGIORNO: Objection  
18 with the same instruction  
19 previously given. If you can  
20 answer otherwise, please go ahead.

21 THE WITNESS: In terms of  
22 liability, I think the answer is  
23 that that didn't play and we don't  
24 believe we have a concern in that

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1 respect in terms of -- the second  
2 part of your question was?

3 BY MR. JOHNSTON:

4 Q. Costs --

5 A. Costs of --

6 Q. -- of litigation.

7 A. -- litigation.

8 MR. BONGIORNO: Objection.

9 I think I have to wholesale  
10 instruct him not to answer because  
11 there's no way for him to know  
12 that other than in communications  
13 with counsel.

14 BY MR. JOHNSTON:

15 Q. Outside of any conversations  
16 you've had with counsel, can you provide  
17 any testimony as to whether the costs of  
18 litigation played any role in Exxon's  
19 decision to eliminate MTBE from gasoline?

20 A. I can't.

21 - - -

22 (Memo dated February 11,  
23 2000, "From the desk of E.A.  
24 Renna"; handwritten note; letter